Quid Novi

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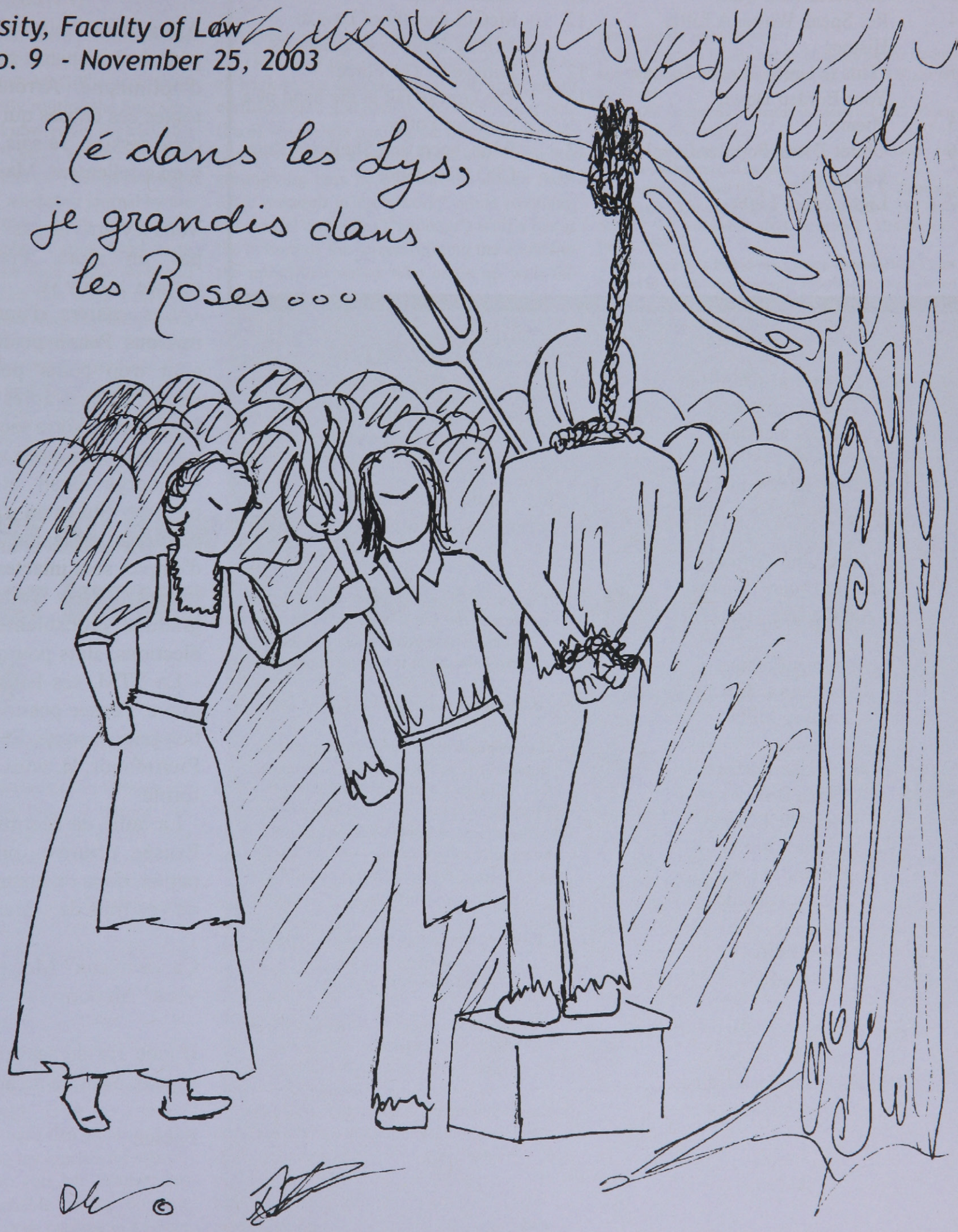

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Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction.

Contributions should preferably be submitted as a .doc attachment. All anonymous submissions will be rejected.

Editor's Note...

Ceci est donc le dernier Quid d'automne. Après, ce sera les examens, puis les vacances, puis c'est reparti pour quatre mois.

Alors, dans l'œil du cyclone, je vous propose une petite pause zen, un brin d'optimisme. Arrêtez de penser à toutes ces choses qui vous ont irritées cette session. Je sais, c'est difficile, il y en a tellement. Mais il faut essayer.

Vous n'y arrivez pas? On va y aller un par un alors. Prenez un grand respire... on y va:

- Les casiers d'une largeur de 3 microns. Pensée positive: au moins ils sont trop petits pour que vous y restiez coincés après un coffee house bien arrosé. Votre sécurité personnelle y gagne, mais aussi votre réputation.
- George Bush et l'Iraq. Pensée positive: Stikeman n'ayant pas encore de bureau à Bagdad, vos opportunités d'emploi sont intactes. Bon, ils ont un bureau à New York, mais vous ne graduez probablement qu'après les élections, alors pourquoi s'en faire.
- La STM, ses hausses de tarifs, sa grève. Pensée positive: marcher, c'est bon pour la santé. Et si vous habitez à Pierrefonds, là, vous êtes vraiment en forme.
- La taille de l'écriture dans le Quid. Pensée positive: on économise du papier, donc on contribue au maintien de vos frais de scolarité.

Ça va mieux? Moi ça me relaxe. Pas vous? Ah bon.

Bonne fin de session, bon examens, joyeux Noël, et à l'année prochaine!

Fabien

The Land of a Thousand Citations[1] : Canada's Latest Legal Journal[2] - The Quid Novi[3]

by John Ramsay (Law I)

The last few weeks have provided some momentous publishing feats for the latest legal journal, McGill's[4] own Quid Novi[5]. For successfully routing the final vestiges of being a casual newspaper for McGill's Faculty of Law, the "Quid", as McGill's students sometimes refer to it, "has at last been accepted as a serious, academic journal by the intelligentsia of the University Universe."[6] "Thank God," I thought, "I can't stand those boring newspapers with their casual style and lack of sources."[7] Just this week I read an article in The Globe and Mail that didn't even give any academically-acceptable footnote, only an obscure reference to some trade dispute between Canada and the United States of American (U.S.A.) over softwood lumber.[8] Finally, I no longer have to worry about taking the author's word and I can look into each and every argument that person made.[9]

Hopefully one day all of us will be able to sit back in our antique chairs with appropriate certificates of authenticity and sip on our bottles of beer while reading the thesis on the history of the brewer on the back label, with our magnifying lens by our side to ensure thorough research in their work[10] while watching situational comedies ("sitcoms") with a bar at the bottom of the screen running the credits to the individual writer who came up with the last joke. ■

1- Blatant ripoff of "The Land of a Thousand Dances" originally written by Andrew Penner and Antoine "Fats" Domino sometime in the 20th century.
2- The latest legal journals can be found in the first floor of the Nahum Gelber library at McGill's Law Faculty. They are recognized by their bland covers and even completely unthrilling articles filled with footnotes, endnotes, and the odd title page.
3- Bold font can be attained by highlighting the desired text in Microsoft Word. and pressing "CTRL-B" on the keyboard.
4- McGill University is located in Montreal, QC. Please see http://www.mcgill.ca.
5- For a copy of the Quid Novi please see http://www.law.mcgill.ca/quid.
6- Ramsay, J. Quid Nov. "The Land of a Thousand Citations1 - Canada's Latest Legal Journal2 - The Quid Novi3." 25 November 2003. Montreal; McGill Law Press, 2003.
7- John Ramsay's President's Choice - Memories of Law School in Montreal is currently scheduled to be rejected by publishers everywhere in 2008.
8- Steven Chase and Peter Kennedy. The Globe and Mail. "Canada Offers Softwood Proposal" 15 November 2003.
9- For a definition of "argument", please see Python, M. Monty Python's Flying Circus. "Argument Clinic" aired sometime in the 1970's.
10- For a definition of "work", I was forced to consult some of my colleagues to whom I ameternally grateful.

This just in: Newspaper Reporter Impostor Fired for Slander

by Marc-André Beaudoin (Law I)

As I was religiously reading through my still fresh Quid Novi, I noticed that many, if not most of the articles were on the same general theme. What a surprise it is then that I find myself today writing on the same subject. But my remark is directed at one article in particular, one that I find should never have been published, the shameful blabbering of a certain Mike Brazao.

In his text, which I am sure that you have all read, Mr. Brazao made a mockery of himself. I may only be in first year law, but I am quite positive that you can't put words in someone' mouth the way he did. Someone pissed in Mr. Séguin's cornflakes? Give me a break! The last time that I've used that argument, my mother was still making my lunches for school!

Did it ever occur to you, Mr. Brazao, that by publishing this laughable article, you were in fact confirming and even pushing to a whole new level, Mr. Séguin's argument? You behaved the way that Mr. Séguin actually wanted to shed light onto. Do I see a double standard here?

I must say that all the other articles pertaining on the subject were all really good and brought forth many interesting points. Even if my rant might not suggest it, I am actually in that same camp. I believe in a strong and unified Canada. I do not want Québec to separate for my own reasons that will I will not get into here. Your article actually embarrassed me, and has as a sad consequence- our loss of credibility as Federalists.

Now Mr. Brazao, I understand that you have a right to your own opinion and that the Quid is there for that purpose. However, this was not as much of an opinion than a general hate mail. With all due respect, Mr. Brazao, in the future, please choose your forums better. ■

Couverture du Quid Cover

by Émélie-Anne Desjardins and Ayman Daher (Law III)

We simply wanted to explain this week's cover of the Quid as to not pour any more oil onto the fire. La couverture représente tout simplement une description factuelle du lynchage métaphorique que Marc-André Séguin a dû subir la semaine passée.

In fact, we are neutral as regards to what was written by Mr Séguin we support his right to free speech. Nous sommes tout aussi neutre par rapport aux réponses qu'il a reçues, la Charte vous donnant le droit de vous exprimer. En fait, il y a seulement une chose qu'on voudrait vraiment mettre au clair: and that is to note that the Maple Laughs haven't won a Stanley Cup since 1967...

Thank you / Merci
Salut la visite ! ■

Re: Speak White: A Little History ...

by Frédéric Delisle (Law I)

Dear Marc-André,

Let me start off this piece with a disclaimer: what follows is not meant to be a personal attack, but rather is offered in the spirit of establishing a dialogue (even if in English), and it is hoped that you will received it as such. Let me also add that I very much agree with the central thrust of your reflection, i.e. that it is necessary, in order to fully appreciate the complexity of our present, to ascertain our cultural inheritances. As a former history student, such an argument fully resonates with me.

Having said this, however, I must admit that, again as a former history student, I had some difficulties understanding your central theme in light of the fact that the "little history" which you provided was one-sided, partial and "reductionist". The rule which states that the simplest explanation is usually the right one may apply in the field of science (and even there I am not sure it does), but it certainly does not do so in the discipline of history. The reality is that the more detailed a picture one draws, the closer one will be to, not an objective appreciation of the past, at least a well-rounded and multi-faceted one. Consequently, while your reading of the 1837-1838 Rebellions might be a possible interpretation, I think it missed the mark a couple of times. The following rectific ations, which I humbly propose, are not meant to be interpreted as the "true history of the Rebellions", but are rather offered as food for thought.

First, there was not one but rather two distinct, even if interrelated, rebellions in 1837 and 1838 (in fact three if one also counts the Upper Canada rebellion of 1837). This is not just a minor quibble, for this fact cannot be ignored but rather needs to be explained if one wants to characterize the Rebellions as "an improvised resistance movement in answer to Britain's aggressive policies".

Second, the fact that a Francophone party formed the majority of the elected assembly of Lower Canada at around the time of the Rebellions should not be so surprising, for what other party could have formed a majority? After all, the Franco population was, at the time, higher than the Anglo population (this, incidentally, goes a long way in explaining why the newly unified and single province of Canada was to have equal, as opposed to proportionate, representation after 1840).

Third, and this is (I think) a relatively known fact, most of the history that we have is the history of the upper classes of society. History, as a discipline, is restricted to the material that it can acquire and decipher, and this material, like it or not, is usually the product of well-off, comfortable members of society who have the time and education necessary to offer something to posterity. The point I want to get at is that while it may very well be that someone like Louis-Joseph Papineau fought in the Rebellions (and incidentally he did not, for as soon as armed conflict erupted, he fled to safety) for the ideals of democracy, equality, liberty and so on (and this is only if we take his statements at face-

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value), let us not presume that so it was for all others who participated in said Rebellions. The fact is that, by and large, we do not have the kind of remnants from the past, aside from the odd memoirs and letters, which would allow us to ascertain the motivations of the participants in the Rebellions. In this context, it might be judicious to recall that the above-mentioned ideals were still relatively recent arrivals in the modern Western conceptual universe at the time of the Rebellions, and so there is some room to ponder upon how deeply laid the roots of said ideals were amongst the population at large. I only state this in order to suggest that maybe ulterior motives and personal interests have to be considered when one tries to explain the reasons why people participated in the Rebellions.

Fourth (well, lets say third and a half, as this continues the above) might I suggest that the Rebellions were not fought in order to overthrow the government as much as it was fought to transform it? I should here desire to point out that the first half of the nineteenth century is usually referred to as the "era of revolutions", not because people fought to abolish political regimes but rather because they wanted to reform them. The fact that rebellions occurred in Lower Canada, when considered in parallel to the fact that a similar (if not on all aspects) rebellion occurred in Upper Canada, might indicate that a question of independence was not the single unique motivating factor at play. Perhaps were the Rebellions anchored in a desire to obtain a representative and accountable government that would remain within the British Empire (however that would have worked)? Is it possible that the Patriotes (or at least their leaders) did not fight for equality and democracy and independence as much as for the right to have access to, and control of, the executive purse strings, something that had always eluded their grasp? Hey, I'm just throwing this out there for you to consider.

Finally, while I very much agree with you that Anglos have not always been very kind to us Francos in the past and that this has to be recognized if the two solitudes are ever going to engage in a meaningful dialogue, lets not blow things out of proportion. If you think that our ancestors had it rough in 1837-1838 and that Anglos were real meanies with us, it might be worthwhile to familiarize yourself with the Irish Rising of 1798 or the Sepoy "Mutiny" of 1857-1858 or the Sudanese Battle of Omdurman in 1898 or even just the atrocities suffered by First Nation peoples since our arrival ("our arrival" meaning both Francos and Anglos). I would also recommend that you take a look at an extremely accessible and well-written work entitled The Patriots and the People by Allan Greer, a work that distinguishes itself by its "well-roundedness" and "objectivity" and that is not as blatantly partial as something like Le livre noir du Canada-Anglais.

As a final word, let me say that the point of all of this was to suggest that while you, at least in my opinion, squarely hit the nail on the head when you affirmed that we should all take stock of our past in order to assess our present, you nevertheless were guilty of an offence comparable to that which you accused Anglos of. To recuperate history in the way you did, that is to offer one and only one perspective on an event as if to suggest that this was the only possible reading of said event, is not only to misuse history but is as objectionable as disregarding the past completely. In doing so you rendered a disservice to the very point you were trying to bring across.

I hope that you might be interested in continuing this exchange in a further issue of the Quid... ■

"This is Unity Music, So Lay Your Burden Down"

by Bryan Tritt (Law II)

In response to David Perri's article: "Why Canadian Unity Needs The Planet Smashers And Not Nickelback"

When Matt Collyer of the Planet Smashers sings and speaks to his audience in both English and broken French, he doesn't do it out of feelings of Canadians, but rather he fulfills an obligation which his "ska-forefathers" set out before him.

Historically, unity music in Europe has been about ignoring the prejudices of the older generation. In London, the Specials, Madness and the Clash all attempted to create racial unity. In Germany, the Atari Teenage Riot and other 'riot-musicians' did the same for religion. In Manchester, a type of music called Riff-Raff attempted to bring together different social classes.

In the same way, Montreal is a linguistic hot-bed of Ska. So whether it is Collyer's broken French anecdote, the Anglophone band The Kingpins' rendition of "Manon, Viens Dancer le Ska" or St-Jean-sur-le-Richelieu ska-punk band Subb's song "Mr. Gun", the point is the same. They're making it clear that they don't care for the xenophobic attitudes of Quebeckers, Anglo or Franco.

The word "ska" means love. The music is not about separation, sovereignty or any other political change, its about "laying your [prejudicial] burden down", as Jesse Michaels, the Lead singer of Common Rider and former front-man to the band Operation Ivy puts it in one of his songs; its about standing together against pejorative attitudes towards people different from ourselves. Organizations such as the Plea for Peace and the Anti-Racist Action have created labels explicitly for the causes of unity-music.

So does David Perri's linguistic utopian view on Canadian unity fit into the concept of unity-music? Sort of. Unity music preaches love and tolerance for our fellow man; but it teaches that attacking the xenophobia problem should be spearheaded from the ground up, through eliminating hatred of all kinds, not merely linguistic intolerance. Unity music tells us that we should accomplish this in one big swoop called "ska".

Putting away the sovereignty issue might help to remove one reason for the stereotypical Westerner's hatred of all things "French and the horse it rode in on", but this is not the approach of the Planet Smashers. Unity music attempts to attack xenophobia on a much lower level, through grass-roots inclusion.

Linguistic xenophobia in Canada predates Quebec Sovereignty, the Quiet Revolution and the conscription question. So while its true that talking about Quebec might elicit emotions based on unfair associations between the Pequiste movement and the people of Quebec, linguistic prejudice exists regardless of the political climate. What's more, xenophobia is found everywhere in this country, not just in the West.

One of my best friends, an Anglo-Montrealer, gets called "frog" and "pepper" on a semi-regular basis at his maritime university for merely being from Quebec. My co-worker, a Francophone from Lac St-Jean thinks that Eastern Ontarians are all idiots, and are all traitors to the Francophone cause.

Worst of all, these attitudes exist all around us, including in our own backyards. My own grandmother who lived here her entire life refuses to speak and learn French. Last week, a Francophone couple sitting behind me at a Habs game were making fun of their Anglophone neighbor for speaking like "une espèce de Toronto". Why can't we all just focus on our 24 Stanley Cups and get along accordingly?

Maybe sending every 14-year-old boy and girl on a cross-cultural trip would be nice, but it doesn't address the problem of discrimination in our own province and city. When Ska legend Dickie Barrett of the Mighty Mighty Bosstones gives away half of his Royalties to the Homeless Society of Boston, he is doing so in an effort to help integrate and include Boston's own marginalized populations. Instead of trying to artificially increase contact between Canadians, we should follow his example.

Regardless of whether North America runs East-West or North-South; or how important bilingualism is, the importance of Canadian unity should not be based on the importance of linguistic inclusion alone. When we eliminate xenophobia at a grass-roots level, it is an attempt at creating sympathy for all peoples. Ska means love, and good Ska means love for all peoples. ▶

Poems

by Jeff Derman (Law I)

Leaves

Leaves taking over my mind
naked Adam leaves
of shame
the fruits of time and imbattable
patience
nectar of deep roots
wine for the soil
humus for solidity
life
leaves falling
leaving me stranded naked
lording over snow

Innocent Bystandard

I used to be a lover of your silent pages
I used to be a tangler of sparrows wings
When the evening fell it was the kind of
Loneliness that whistled at the moon
She had legs of iron glowing beams split
And shattered in ten thousand little specks
Of flaking sandy glitter
On the table where I opened the book
Where the wings are pressed.

It is precisely for this reason that California's RX Bandits preach resistance to any sort of war. Instead of war, in true hippy style, the emo-ska septuplet says that "what we need right now is love". Canadians should feel a sort of fraternity, but not at the expense of love skavoovie-that is to say-not at the

Does David Perri's linguistic utopian view on Canadian unity fit into the concept of unity-music? Sort of.

expense of loving others the world-round.

The argument for the birthright trip is not a new idea. Nor is it an idea exclusive to Canada. My own parents have tried pushing the idea of going on one of the many birthright trips to Israel on me. The assumption made is that you should have a sort of special affinity to the place of your 'birthright'. But why?

Are Albertans somehow more deserving of our love than are New Yorkers by merely living above the 45th parallel? Are Israelis more deserving of my ska than are Jamaicans, or Russians or Rwandans? The answer invariably is no. Geographic location does not determine demeanor, personality or any of the other traits we find important in deciding whether or not a person is deserving of our ska. In other words, we should have love for Torontonians because they are human, but we don't have to love Toronto.

Another problem with the birthright argument is that sometimes traveling to another place can result in a negative impression of the place. This was my experience of visiting Toronto. I left the city thinking that Canada's economic centre is a sort of cultural black hole filled with rude taxi-drivers and self-important yuppies. I imagine that any given 14 year-old's travel to Canada's many other regions could be met with similar experiences, effectively reinforcing the old prejudices.

So the solution to the "fuck Quebec and its cat" problem is not to create a feeling of Canadian identity through artificial means. Instead, let's help people to learn to love all of humanity. When that happens, the next time that a 14-year-old Quebecois or Quebecoise travels to stereotypical Alberta, he/she will not be met with intolerance. As a result, he/she will not leave wondering why Quebec continues to associate themselves with the West.

As a result of ska influence, multi-religious, multi-racial bands from all over have sprung up, serving as examples for us all to follow. A Quebec favorite is California's NOFX. One of the ska-punk band's album titles accurately depicts the band's makeup. Surely if "White Trash, Two Heebs and a Bean" can work and live together, then we can learn to love one another as well. ■

Obiter Dicta: Popular Legal Education

by Jason MacLean (Law I)

I had lunch over the weekend with a friend I had neither seen nor spoken with since I began law school. I was eager to see my friend and excited by the prospect of discussing subjects other than law. My friend, however, had other ideas. She was understandably curious about law school, about what I was learning. I issued a few platitudes intermingled with a few Latin phrases. She in turn took issue with my Latin syntax but I ducked the jab, the better to be done with the subject, if only for a couple of hours. Under the illusion that I had thus secured an interlocutory injunction, so (not) to speak, I relaxed. Whereupon my friend asked me about the case against Kobe Bryant. My guard all the way down, I answered "what case?" And that, friends, is when the trouble began.

(Brief background for those who know neither the identity of nor the case against Kobe Bryant: He is a rich and famous professional basketball player accused of sexually assaulting a young woman. He says it was consensual sex. She says it was rape. We know, at this writing, little else for sure.)

I apprised my friend of these facts and I let her in on a bit of the speculation that attends the case, easy enough to imagine. My friend was outraged, disgusted, sick to her stomach with disdain. Lunch was served.

Kobe Bryant was the initial target of my friend's diatribe. "He's an animal," she said, pushing her soup aside. "We're all animals, biologically," was my brilliant retort between bites of bread. "Is he in jail yet?" my friend asked, distancing herself further from her food. "Jail," I said, gasping for air, "the case may not even go to trial. And if it does, it will not be before the summer." I suppressed the urge to ask my friend for her soup. "Well," my friend continued, "he'll obviously be convicted when he goes to trial." An uncomfortable silence ensued. "Right?" she pressed. Silence still. "Just have the soup already," she said finally, "but stop grinning like that. When did you get so hard-hearted? Must be a law school thing."

In my own defence, I said, first, criminal law is not offered until next semester but, second, I can see the other side. "What other side?" my friend asked, pushing her newly arrived tuna sandwich in my direction. "What-thank you-Bryant's lawyers will argue in his defence, to which he is entitled," I put in. "But what do you think?" my friend pressed, "can't you put aside all the law talk for a second and be a human being?" I savoured the delicious irony of this question for a moment, and then I decided to make matters worse: "It doesn't matter what I think. I don't know anything except that all that matters to everyone involved is what the jury thinks. We don't know what really happened, and we never will."

Cheque please.

Lunch would of course have been much nicer (if less filling) had I answered reflexively that of course he is guilty. But guilty of what, exactly? An immoral abuse of power at once physical and financial? Or of the legal offences with which he is charged? Not an impertinent question.

Where exactly am I going with this? If you think my point is to underscore the inhumane character of legal education, then turn the page. We can all comprehend the moral dimensions of this issue or that, though we may disagree radically about those dimensions, their contents, and their relative weight. The legal dimensions, by contrast, are far less obvious, let alone clear. My general point is not that the law has strayed too far from the moral concerns of everyday life, but that the public understanding of even the broadest outlines of legal issues is wanting. True, morality is among the chief foundations of law, but we gain little understanding by immediately reducing legal questions to singularly moral questions. My specific point is that this problem is particularly acute in Canada.

Let us leave the Kobe Bryant case, which is admittedly difficult to look at only legally, and look instead at the Supreme Court of Canada's recent decision regarding the ▶

protection and enforcement of Acadians' language rights in the Nova Scotia educational system. Our purported "national" newspaper, The Globe and Mail, spilled fewer editorial words on this revolutionary decision on the day the story broke than it did on the sad state of NHL hockey. Doughnuts anyone?

Two law professors eventually weighed in and debated in the Globe the merits of judicial activism versus our constitutional drift toward the American model. That is an interesting and important issue, but it is instructive to note that it is unthinkable that The New York Times would devote more words to, say, the strike zone than it would to a Supreme Court decision of comparable importance. Utterly unthinkable. Refer back, for example, to the Time's coverage of the University of Michigan affirmative action in admissions decision last summer. Now this is not to assume that American media coverage of its judiciary is objective (of course it's not) or perfectly aligned with the public interest (of course it's not). The sheer amount of coverage their judiciary consistently receives does, however, signal its importance to the public and, in so doing, renders their system comparatively more transparent and subject to informed public debate than it would be otherwise.

Given the Supreme Court's growing importance in Canadian society, a corresponding increase in the quantity and quality of media coverage is sorely needed to ensure that the Court serves the interests of democracy. We cannot rely on the media to do this on their own, however. As future jurists, we should assume this civic responsibility ourselves and begin pushing legal issues to the fore of public awareness whenever and however we can. Even if it means occasionally spoiling lunch. ■

Light, More Light

by Edmund Coates (Alumnus II)

A few weeks ago, Jeff Derman submitted a piece to the Quid entitled: "A 'Happy' Problem-Gay Rights". Jeff's "Thinkspeak (3)" piece in last week's Quid repeats the notion of "Happy Problem", that homosexuality is "unhealthy, unnatural, and reversible", but it also portrays Jeff as persecuted. The readers of the Quid deserve a more complete account of what transpired, one from another point of view.

As I understand it, the editors of the Quid expressed reservations in regard to "Happy Problem". I gather that the concern was not with the simple fact that "Happy Problem" argued against rights for gays. Rather, the concern was whether Jeff realised the degree to which the arguments' feeble basis would reflect badly on their author. I wrote a response to "Happy Problem" showing that its arguments completely fell-apart upon analysis. As well, Paul Hesse wrote a grippingly eloquent response drawing on his personal experience of homophobia. Jeff writes that "Happy Problem" presented honest critique, and that people reacted to this as if it was a thought crime. I encourage every reader who doubts the fairness of the following sketch of Jeff's arguments to ask him for a copy of his original article.

Jeff argued first on the grounds of health. Gays would be like alcoholics, anorexics, and paedophiles. His rhetorical questions suggested that being gay should be overcome "with serious effort on behalf of the parties involved (no doubt community support would help)". Jeff argued, second, that gays have a shorter lifespan, and, thus, that their life choices are less valid than those of heterosexuals: "Even 'monogamous' Gay men live an average of 30 years less than heterosexuals, before taking into account the higher incidence of AIDS, which detracts an additional 7 years from that."

Finally, Jeff argued, based on evolution, that there could not be a genetic basis to being gay: "[gays] won't have gay kids. Unless a few million years of Evolution has been toothless, the 'gay gene' should be wiped out by now. Unless Homosexual-genes are sporadic "mutations" appearing unexplained throughout history, Homosexuality can be no more genetic than Alcoholism is. And Alcoholism, even if genetic correlations exist, is treated as an illness, and one from which a percentage of people recover every year."

Jeff claimed that if there was a gay gene, it could never have passed through the strictures of evolution. Those who read my article in the Quid, a few weeks ago, know what I think of "gay gene" genetic fatalism. But, Jeff's arguments do not hold, even if it made sense to talk of a gay gene. To compete in evolutionary terms, all you have to do is produce offspring as often as practicable and, in the case of humans, rear them to the point of self-sufficiency. Given the human gestation period, this just requires intercourse every nine months or so. Prehistoric gays would have been perfectly capable of this sort of transaction, and of having a supportive relationship with the resulting offspring. However, aside from the need for these instrumental transactions, evolution says nothing about what the biological sex would be, of the particular member of your hunter-gatherer group that you would be drawn to, for affection, companionship, and sex.

Evolution does not bar the passing on of a trait, so long as the trait does not have significant negative effects on reproductive success. Following Jeff's approach, we might doubt whether there is a genetic basis to hair colour. What is the survival advantage of having black hair rather than brown? In any case, there might well be a survival advantage to having a disposition to male-male love. The members of small hunter-gatherer groups have a great dependence on each other for survival. A long-term sexual bond between males would increase cooperation and support, while avoiding destructive competition.

As for the claim that gays have a shorter lifespan, there is reason to be suspicious of the only authority that Jeff relied on: the paper "The Homosexual Lifespan", presented by Paul Cameron, William L. Playfair & Stephen Wellum at the 1993 EPA Conference, in Arlington, Virginia. Paul Cameron, the lead author of the paper, is a notorious character, who has been a star witness in various U.S. cases. For example, one case argued that Texas A & M University should deny the usual accommodation of a student club, to a club that gay students were trying to start on campus. The argument was on the basis that homosexuality was a public health emergency (Gay Student Services v. Texas A & M University, 737 F.2d 1317 (5th Cir. 1984)). In another case (Baker v. Wade, 106 F.R.D. 526 (N.D. Texas, 1985)), Cameron testified that "homosexuals are approximately 43 times more apt to commit crimes than is the general population". Not surprisingly, the court concluded in its judgement that Cameron "made misrepresentations to this Court" and the court found "no fraud or misrepresentations except by Dr. Cameron, the supposed 'expert' ".

Paul Cameron resigned from the American Psychological Association on 7 November 1982, while he was under an ethics investigation (more than ten years before he presented the paper that Jeff relies on). He heads the Family Research Institute in ▶

Colorado, whose website features delightful pieces like "Homosexual Rape and Murder of Children" and "Gay Foster Parents More Apt to Molest".

Cameron's paper is junk on its face. Here is the abstract: "To estimate the homosexual lifespan, 6,211 obituaries from 16 homosexual journals over 12 years were compared to obituaries from 2 conventional newspapers. Non-homosexual newspapers' obituaries were similar to US averages for longevity. For the 6,087 homosexual deaths, the median age of death if AIDS was the cause was 39 irrespective of whether or not the individual had a long time sexual partner [LTSP]; 1% died old (i.e., aged 65 or older). For the 690 who died of non-AIDS causes, the median age of death was 42 (41.5 for those 252 with a LTSP and 43 for those 438 without] and <9% died old. The 120 lesbians registered a median age of death of 44.5 (24% died old) and exhibited high rates of violent death and cancer as compared to women-in-general."

Even if the study was honestly done, older gays, who died in the U.S. in the 1980's, would be not be all that likely to be indicated as gay in mainline newspaper obituaries. They would also be far less likely, than younger gays, to be commemorated by obituaries in what Cameron calls "homosexual journals". These notices first started to be published in the 1980's, to commemorate the AIDS deaths of people active in the gay community. Older gays were less likely to be visible in the community. Older gays were also less to catch AIDS. For those gays who passed through a period of sexual promiscuity, the period of promiscuity typically did not run further than from the late teens to the mid-thirties.

The family of many older gays may not even have known that the deceased was gay. If the family knew, many were ashamed. After all, the older gays who died in the 1980's were from a time when to be "out" did not mean to be known to the world to be gay. To be "out", in the old days, meant that you acknowledged yourself to be gay to a few other gay men. Laws actively punished sodomy, and "indecent acts" in private, with imprisonment. In the middle classes, at least, the possibility of blackmail loomed large, not to mention job loss or being shunned by your family and former friends. Finally, the family or loved one of an older gay might have accepted the older gay's sexual identification, and they might not have minded the public knowing that the deceased was gay. But, it simply might not have occurred to the family or loved one to place a death notice in a gay publication. If the family members were of the same age group as the deceased, they might not even have known that such publications existed.

Imagine if dark-skinned people could take pills to lighten their skin. In order to eliminate the problems that racism causes in our society, could we expect our dark-skinned citizens to take the pills? This note is not the place to enter into the thickets regarding the bases of being gay (a category related to, but not at all identical to, homosexuality). Maybe being gay is like going to law school: people arrive there by many different paths. Yet, some outsiders assume that the members of the group are all much the same as each other. Still, even if gays could take a "straight pill", this should have no effect on the moral claim they can make on society. A moral claim that their fellow citizens respect their dignity, respect the manner in which they choose to lead their lives. We would see right through the claims of an anti-Semite, who said she based her hatred of Jews on her notion that a kosher diet is unhealthy. She would not help her case if she pointed-out that a Jew can convert to another religion and identify with another cultural group.

Personally, I welcome the expression of arguments. Better that they be voiced in a public forum, where they can fairly be shown to fall apart, than that they be whispered or used as the basis for unacknowledged prejudice.

When we reflect on the situation of gays just a few decades ago, we see how far our society has progressed. This progress came from the constant quiet efforts of a multitude of people, as well as from eye-catching activism. Personally, I welcome the expression of arguments like Jeff's. Better that they be voiced in a public forum, where they can fairly be shown to fall apart, than that they be whispered or used as the basis for unacknowledged prejudice. Seizing life and being open to difference is not for sissies.■

ELM invites you to

A Panel on the Miami FTAA Ministerial Meetings:
De-brief and Discussion

Wednesday, November 26, 2003
12:30pm - 2:00pm
McGill Faculty of Law, Room 200

Come join us for a de-brief session on the recent Miami FTAA Ministerial Meetings! All perspectives (free, fair, and anti) trade discourses will be considered as well as parallel civil society events associated with the negotiations. Moderating the discussion will be William Amos, Director of ELM's "Greening the FTAA?" conference, who represented ELM in Miami. Professor Armand de Mestral of McGill's Faculty of Law will be providing further commentary.

~ Refreshments will be served ~
Don't forget to bring your mugs!

Big Sister Speaks

by Michelle Dean (Law II)

I don't want to get in the way of Edmund's excellent piece describing the "essay" the Quid was so privileged to receive a few weeks ago. As one of the first people who read (and objected) to the article obliquely referred to in last week's "Thinkspeak, Winston-Lennon Style," allow me to say that in my judgment, if anything, Edmund's summary is too kind to Mr. Derman's original phrasing. But since Edmund was not able to offer much insight about the process, and process was Mr. Derman's main complaint, let me explain to those of you who are not friends with the ten or so people who were involved what happened.

I first came across Mr. Derman's piece about four weeks ago when I found it in the editing docket of the Quid files. After reading the first three paragraphs and finding them to read roughly like a speech prepared by a hate group, I decided to ask someone else to take a look at it to make sure that I was not being overly judgmental. (As those of you who know me will no doubt agree, I am prone to strong reactions. Some might call them over-reactions.) When I did so, I took Mr. Derman's name off it to stave off the rumour mill.

When all agreed with me that the entire thing was not publishable, I emailed the editors-in-chief of the Quid to express my concern. They in turn emailed Mr. Derman and basically communicated that concern and asked him what he wished to do with the article.

I believe, although I no longer have the email, that the phrase "serious social consequences" in fact came from me. Edmund has more or less correctly diagnosed what I meant by that. I didn't know the author personally, and I wanted to give Mr. Derman the benefit of the doubt and make sure he knew that if the article was meant to be a joke, it wasn't funny and most were likely to see it as offensive, and if the article wasn't meant to be a joke, people were quite likely to turn entirely against Mr. Derman.

Both of these consequences, it seemed to me, flowed from Mr. Derman's ridiculous analogies (such as one between granting gay marriage rights and giving naked pictures of children to pedophiles) and poor logical structure. They made him sound, frankly, like exactly the kind of person we don't need to hear more from in the gay marriage debate. Moreover, the alternative to expressing this in terms of "serious social consequences" was to write something approaching, "your article is offensive and I just don't know how someone with this level of education could write something like that." The former just seemed more polite.

After an inordinate amount of time spend emailing back and forth to people and forwarding the article to Paul and Edmund, then forwarding their responses back to Mr. Derman, eventually he decided to withdraw his article. He replaced it with the piece you read (and more than likely puzzled over) last week. Though the Quid tried to communicate to Mr. Derman that his "response" made no sense to anyone who didn't know the full story, and that it would perhaps be best to let sleeping dogs lie, he insisted (in my view unwisely) on printing the response but not the first article. When it was pointed out to him that he couldn't claim that "social pressure" suppressed his views without revealing those views to give that pressure context, he misread the point of contention as relating to the Quid's being identified as the source of that social pressure. Eventually it seemed just less time consuming to print the response, and explain later.

This whole story is thus actually quite boring. But I am telling it partially because I think it illustrates something important about free speech, especially since a few people have suggested to me that my desire not to publish the article is ultimately misguided. Someone even suggested I was adopting a paternalistic attitude by suggesting that gays "couldn't take" Mr. Derman's article.

So let me try to explain. Edmund might welcome contributions by people whose views are phrased in the way Mr. Derman's were. I'm not sure "welcome" would be the word I would choose, but I certainly would "accept" them into public discourse. Edmund's right that we're better off dealing with those views openly than having "thought crimes."

But I see no obligation on the Quid's part, or for that matter on anyone's part, to be the route through which those views are aired publicly. As I said to everyone throughout this little affair, if Mr. Derman had printed the article on his own time and stood on the sidewalk outside the library to distribute it, I would have defended his right to do so without state interference. But there's no reason that the Quid, as essentially a private entity, has to print it. Maybe it's a personal thing for me, too, because I didn't want my name associated, even passively, with Mr. Derman's original piece. Nor do I think the Faculty at large does.

Of course this all has very little to do with Mr. Derman, whom, as I said, I don't know. I don't wish to gauge his intelligence or his sense of human decency. (Although I should say that I think that the only person who has raised that issue is himself.) The only thing I have to work with is my own conscience, and not one part of me regrets trying to keep Mr. Derman's article out of the Quid. I just hope that one day he doesn't regret my opposition, either. ■

Next Quid on January 13th, 2004!

Deadline Thursday January 8th at 5pm:

quid.law@mcgill.ca

Micturating into the Prevailing Breeze

The Birth of Judicial Review: *Marbury v. Madison*

by Daniel Moure (Law III)

Despite apologists' attempts to extend its pedigree to Edward Coke in the early seventeenth century, judicial review of legislation is an American invention. Today, most people assume that judicial review is necessary to ensure that the government does not overstep its constitutional authority. It would seem absurd today to imagine the legislature having authority to interpret the constitution, since the purpose of a constitution is to place limits on the legislature. But the American Constitution nowhere mentions the right of the judiciary to review Congressional legislation. It was not until 1803, in *Marbury v. Madison*, that the Supreme Court declared its right to review Congressional legislation, at least insofar as it pertained to the judicial branch of government. To understand the case, it is necessary to understand first the struggle between Federalists and Republicans at the time.

In the 1800 presidential and Congressional elections, the main issue was the power of the states vis-à-vis the federal government. By late December, it had become clear that Republicans had swept Congress and that the Federalist president, John Adams, had lost to the Republican advocate of states' rights, Thomas Jefferson. But Adams remained in power until early March 1801, and he used the remainder of his term to restructure the judiciary in order to protect against the impending Republican assault on federal powers. Adams appointed his Secretary of State, John Marshall, Chief Justice of the Supreme Court, and the Federalist Congress passed the Judiciary Act of 1801, which greatly expanded the federal judiciary. Adams filled the new positions with Federalist "midnight judges," so named because they were appointed only days before the end of Adams' term. But Marshall, still serving as Secretary of State, was unable to deliver three of the commissions, as he ran out of time before Jefferson assumed office.

Jefferson's Secretary of State, James Madison, refused to deliver the three commissions, and one of the thwarted appointees, William Marbury, asked the Supreme Court, now headed by Marshall, for a writ of mandamus forcing Madison to deliver the commission. But before the case came to trial, the now Jeffersonian Congress enacted the Judiciary Act of 1802, which repealed the Judiciary Act of 1801 and restored the federal court structure that had been created by the Judiciary Act of 1789. Congress also cancelled the Supreme Court's 1802 term to ensure that the Judiciary Act of 1802 would come into effect before the court could rule on its constitutionality. In short, it was a situation of war.

When *Marbury* finally came to trial, Marshall found himself in a difficult position. As Sosin argues, Marshall could not command Madison to deliver the commission, since Madison would likely refuse and thereby reduce the legitimacy of the Supreme Court. At the same time, Marshall could not merely acquiesce, or the Supreme Court would miss the opportunity to assert its authority to invalidate acts of Congress. But Marshall's ruling proved to be a win-win situation-for the Supreme Court, if not for Marbury or the Republicans.

Marshall declared that Marbury had been appointed to the federal court even though the commission had not been delivered. Marbury therefore had a vested legal right to the commission. But Marshall also declared that Marbury was not entitled to a writ of mandamus. The Judiciary Act of 1789, which had been restored by the Judiciary Act of 1802, permitted the court to issue writs of mandamus. But the Constitution's Article III, which conferred powers to the federal judiciary, did not specifically mention the right to issue writs of mandamus. Marshall followed the Lockean argument that the government possesses only as much authority as the people have delegated to it. And he argued that the judiciary, as the guardian of the Constitution, is responsible for determining when the government has overstepped its authority. Accordingly, Marshall declared the Judiciary Act of 1789 unconstitutional insofar as it authorized the court to issue writs of mandamus.

Marshall denied Marbury the commission, thus avoiding a confrontation with Congress and the executive, at the same time that he declared the judiciary's right to hold an act of Congress unconstitutional. But Marshall's argument is problematic. Nowhere did the Constitution state that the judiciary, as a branch of government, has the authority to declare an act of Congress invalid. According to his own Lockean reasoning, Marshall overstepped the constitution by declaring a Congressional act invalid. This small problem seems to have bothered only one judge in all of American history-Gibson J., who dissented in an 1825 case-and judicial review is now a fundamental principle of American constitutionalism. ■

Main sources:

Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 177, 2 L. Ed. 60 (1803).
Eakin v. Raub, 12 S. & R. 330 (1825), Gibson J., dissenting.
Nelson, William E. *Marbury v. Madison: The Origins and Legacy of Judicial Review* (Lawrence: University of Kansas Press, 2000).
Sosin, J.M. *The Aristocracy of the Long Robe: The Origins of Judicial Review in America* (New York: Greenwood, 1989).

The Weekly Haiku by Akbar Hussain (Law I)

Bitchin'

So many great names
for bands: the Bad Pleas, Real Ks.
Wish I played the drums.

Speak White

En réponse au débat entourant le premier article intitulé Speak White, Frédérique Bertrand (Law II) nous a signalé l'existence du poème du même nom de Michèle Lalonde, que celle-ci récita devant une salle euphorique lors de la Nuit de la poésie en 1968. En voici un extrait.

[...]

speak white
soyez à l'aise dans vos mots
nous sommes un peuple rancunier
mais ne reprochons à personne
d'avoir le monopole
de la correction de langage

dans la langue douce de Shakespeare
avec l'accent de Longfellow
parlez un français pur et atrocement blanc
comme au Viêt-Nam au Congo
parlez un allemand impeccable
une étoile jaune entre les dents
parlez russe parlez rappel à l'ordre parlez répression
speak white
c'est une langue universelle
nous sommes nés pour la comprendre
avec ses mots lacrymogènes
avec ses mots matraques

speak white
tell us again about Freedom and Democracy
nous savons que liberté est un mot noir
comme la misère est nègre
et comme le sang se mêle à la poussière des rues d'Alger ou de Little Rock

speak white
de Westminster à Washington relayez-vous
speak white comme à Wall Street
white comme à Watts
be civilized
et comprenez notre parler de circonstance
quand vous nous demandez poliment
how do you do
et nous entendez vous répondre
we're doing all right
we're doing fine
we are not alone

nous savons
que nous ne sommes pas seuls.

- LALONDE, Michèle, *Speak White*, poème-affiche, l'Hexagone, 1974.

Invitation à nos collègues McGilliens
par Viviana Iturriaga Espinoza, Présidente, LALSA

L'Association latino-américaine des étudiants en droit (LALSA), avec la collaboration de la Revue québécoise de droit international (RQDI), a le plaisir de vous présenter les 22 et 23 janvier 2004 le Symposium:

"Perspectives sur la réforme judiciaire en Amérique Latine"

Une des missions du LALSA est la promotion des réalités latino-américaines et la sensibilisation des étudiants, futurs professionnels, aux problématiques juridiques latino-américaines ainsi qu'au rôle du droit dans la consolidation des institutions démocratiques.

Dans cesens, ce premier événement constitue un espace privilégié pour nous tous, étudiants et académiciens, pour que nous puissions y apprendre mais aussi pour que nous puissions y discuter les réussites et les faiblesses de la réforme judiciaire en Amérique Latine et les enjeux d'une possible ratification par le Canada de la *Convention américaine des droits de l'homme*.

Ce rendez-vous est ouvert à tous, à vous collègues de droit ainsi qu'à tous ceux qui désirent étendre leurs horizons. Notez-le à l'encre indélébile dans vos agendas!

McGill Faculty of Law to Strictly Enforce new No-Talking Regulations in Classrooms

by Renée "Excuse me, I'm not finished speaking yet." Darisse (Law II)

A controversial new provision was approved by Senate and added to the Student Code of Conduct of McGill University this week. Under article 19.1, it is now forbidden for any law student to speak in class, for any reason whatsoever, for more than the prescribed limit of 5 seconds at a time. It remains unclear if pauses to catch one's breath or for dramatic effect restart the clock.

The new legislation comes on the heel of a protest petition, which was organized by "Too Cool for School Inc." and funded by the "If I ever want your opinion, I'll give it to you" Coalition and sent to McGill's Administration. Signed by an apparently powerful and growing silent majority of students, the signatories feel that class time is better spent passively absorbing information disseminated by the professor, with only limited participation by students in the class, because we learn "absolutely nothing" from our colleagues anyways[1].

Sparked by a notice posted, perhaps not surprisingly, *anonymously* (by "Smink Inc.", whatever that is) by one of McGill's law students on their "Democracy Wall", the legislation attempts to solve the horrific, tragic and growing epidemics of a) vocalizing diverse opinions; b) responding to questions posed by professors; and c) general comments by students who just can't keep their damn mouths shut because they just lo-ove the sound of their own voice.

Enforcement will be mainly carried out through self-appointed "quality of speech and opinion" judges, who heretofore have been silent but who are clearly in a position to judge others.

Consequences for disobeying the absolute liability offence include: for a first offence, duct-taping the convict's mouth shut for the duration of class; for a second offence, a visit with a student-appointed "attitude adjuster" out back behind New Chancellor Day Hall for a little Clockwork Orange-style "re-education"; for subsequent offences, violators will "have themselves a little accident" off of the roof of the law library.

A professor found to be in collaboration with an offender, by committing such heinous acts as calling on those who are likely to respond and who have proven themselves amenable to speaking up in class or by "asking dumb questions that nobody cares about because it's all academic anyways", will be subject to the penalties described above. In cases where the professor is unable to continue the lecture due to conviction under article 19.1, the class will continue *silently*. Those daring to break this silence will be dragged outside by the recently-hired armed guards posted at the entrance to each classroom.

When asked how he felt about this new development, Professor Sklar said that he had never noticed students speaking for more than 5 seconds anyways, so he did not foresee too many violations occurring in his classes. For his part, Professor Healey said that this was a clear *Charter* violation and vowed to practice civil disobedience at every possible opportunity. Professor Lametti is considering tendering his resignation, as is Professor Jukier.

Student responses to the amendment to the Code of Conduct have been surprisingly negative, given the overwhelming support it received at the petition stage. Several of the habitual "talkers" have loudly voiced their discontent, outside of class time obviously. One student exclaimed: "If no one talked during class, we'd actually have to listen to the damn professor speak for *an hour and a half straight!*" The famous Marc-André Séguin proclaimed that the time restrictions should only apply to les maudits anglos, tabarnac. Another student, although sympathetic with the many motivations of "non-talkers", felt that vigorous student participation could enlighten lectures and break up those agonizing 2 minute silences when the professor asks a question and nobody in a class of 75 people puts up their hands to answer, yet the professor waits, undeterred, for someone, anyone to say something, anything – please! One particularly determined student, leading a small but dedicated guerrilla group, vowed to devise other means of communicating with the professors and fellow students during class time, such as large placards, paper airplane notes, American Sign Language, Morse code or Semaphore[2].

None of the "non-talkers" have, thus far, volunteered any comments. However, it is rumored that new petitions are being circulated to place time limits on other in-class irritations like coughing, smiling, blinking and breathing. ■

Renée Darisse is one of those habitual "talkers", and now she's "one of those people who submit to the Quid".

[1] The only reason for learning "absolutely nothing" from your colleagues is that you already know everything, which makes you an arrogant jerk.

[2] Flag waving code stuff.

Believe In The Force!

by Shirley Wei (Law I)

Many will be shocked to learn that before last Tuesday, I had never even watched a hockey game on TV before, much less go to a live game. But in order to truly understand the Montréalais, I've been told, I've got to live the hockey experience. I decided to give it a shot last Tuesday with our very own Superior Force (a supernatural and unforeseeable force so powerful that nothing can stop it), composed of only the law faculty's most capable. Sigma Chi, proved only to be a feisty, quasi-worthy opposition as we quashed them with a score of 5-2.

The scorers were Dan Ambrosini, Jeff Derman, Robert Israel, Pierre-Olivier Savoie, and Charlie Flicker who scored the winning goal. Last but not least, goalie Jason MacLean effectively schooled Sigma Chi in their desperate struggle against the Force. Improving their record to 4- 1, they're going for a 5th straight on Monday, November 24th.

All in all, it was a truly enriching and dare I say, cultural experience. It was, I must add, a totally organic experience witnessing the transformation of our classmates, shy and modest by day, into mean, padded machines by night.

Standing on the bleachers and screaming "The Force!" at the top of my lungs, watching our classmates charging down the ice scoring goal after goal, I realized at that moment that I was a hockey fan - I finally belong in this city that I now call home.

So what are you waiting for? Get up can go cheer your classmates on at their next game on January 5, 2004! ■

The Greeks Fall at the Hand of a Superior Force

by Kirsten Mercer (Law I)

Superior Force defeated Sigma Chi in D-league intramural play on Tuesday night with a convincing 5-2 victory. Rallied by strong fan support (Thanks Shirley!) the team fought hard to defend their win streak.

Due in no small part to strong defensive performances from Captain Bram Abramson and Pierre Covo, the Sigma's early assertiveness proved ultimately unproductive.

In contrast, the Force's well-balanced offense produced goals from all three lines. Jeff D. led off the scoring early and Pierre-Olivier, Rob I., Dan A. added to the total. Charlie Flicker rounded out the night with an especially nice goal late in the game.

The play of the game, however, has to be Jeff D.'s one-timer off a feed from Pierre-Olivier from the point. He didn't score, but DAMN it was pretty!

Despite a (literal) run in with an Oldsmobile earlier in the week, Jason Maclean delivered a strong performance in net. And lest his determination be anywhere in question, Maclean proved ready to drop the gloves with a young Sigma-pledge-ling* who got stepped out of line, slashing Maclean in the dying seconds of the game.

It proved for "quite an exciting finish," confirmed Shirley Wei, who was attending her first ever hockey game.

In other news, it seems that consensus is building in locker room three. In the true spirit of the Faculty, Superior Force in going bi- ... Bilingual that is! So as Superior Force/ Force Majeur ploughs forward on Monday night, it is my firm belief that the language barrier will no longer hold Faculty fans and spectators back.

* Actually, I have no knowledge of this player's Greek status. All I know is that as he cowered behind the boards he whimpered something about being a minor and willing to press charges. Needless to say, we had a good laugh at his expense! ■

Wine, bears and Shelley's rule

by Karine Peloffy (Law II)

So let's start with the beginning. Tonight I planned on studying Public International Law, also known as " big purple book ". But, unexpectedly, and god-thank-you-ly my best friend showed up with a bottle of wine. Oh - sidenote : i'm not gonna talk about " the usual poor judgement exhibited by the separatist ilk " (and yes I am responding to somebody here...i guess you can't disguise everything under humour) or about a wall, be it white, yellow or apartheid. So, all those who have better things to do - because let's face it you're probably in class right now - go on and don't waste your time.

Back to my point... it's amazing the life-changing answers you get from Disney pictures when you're a little... heated. I watched this movie 'Brother Bear'. Yes, non-law related activities, they're amazing and easy to reach. Step one : leave books at school. Step two : walk about ten feet out the front door and there you are : life and the real world.

So the philosophy behind Disney pictures reminded me of pre-law fantasies when obligations arised out of pinky-swearing and what was criminal was what was - ouch... beware, here comes very short and simple word : bad. When a right was what was right, when justice was an ideal and not only somebody's first name.

For an instant everything I understood or tried to - the rule about perpetuities is just beyond me - didn't make sense anymore. Having to remember " the feoffor enfieffs the feoffee " as part of my university curriculum was even funnier than before. The war in Iraq was just part of a why-don't-we -all-love-each-other ? issue and not a topic for a moot competition. I just felt like running around with a coconut bikini huging trees and trying to communicate with plants because despite all intellectual victories, I still can't figure out cactuses.

So I'll stop here because what first seemed like an epiphany now really turns out like to be a plea to sign me in to the asylum. In two weeks exams are coming and they're about Shelley's rule, not about learning how to be a good human. But I'll end with this. I read somewhere that some spiders untangle and let free insects they know they can't eat. So when exams come and pressure's at its peak, let's breath in, help each other out and share summaries. ■

CPO Newsletter November 21st, 2003

Bonjour à tous!

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1) ATTENTION IMPORTANT NOTICE: CAREER LINK!

ATTENTION ALL STUDENTS!

CPO NEWSLETTER MOVING TO THE WEB!

Within the next several weeks, the Career Placement Office's weekly Newsletter will no longer be sent out by e-mail, and will no longer be printed in the Quid. All News Postings, Job Listings and Events are now centralized on the CPO's website. For access, students should go to: www.law.mcgill.ca/cpo , and click on CareerLink on the left-side menu.

CareerLink is organized into four primary areas:

. Homepage - lists Student Alerts (brief, high priority messages), the most recent News Items and upcoming events.
. News Centre - Contains postings with important information formerly included in the Newsletter including information on recruitment processes and Careers Fairs.
. JobBank - Contains all Job Listings received and posted by the CPO.
. Calendar - Contains listings and details on upcoming CPO events.

Students are responsible for checking CareerLink listings on a regular (weekly) basis! With very few exceptions, notices will no longer be sent out by e-mail!

Recent alumni must contact the CPO for their password.

2) PLACEMENT STATISTICS

Pour ceux et celles qui ont participé aux U.S., Toronto et East/West OCIs : Auriez-vous l'amabilité de me faire parvenir vos résultats de placement. En d'autres termes, laissez-moi savoir si vous avez trouvé un poste grâce à ces processus de recrutement. Sachez que ces résultats resteront confidentiels.

3) POSTINGS (ARTICLING, HUMAN RIGHTS, ALTERNATIVE, LL.M.)

** Remedios & Company--Articling Positions 2004-05: Remedios & Company, Barristers & Solicitors (www.remediosandcompany.com) is still accepting applications for articling positions for 2004-05. An applicant who is proficient in Mandarin or Cantonese will have a definite asset. Applications should be addressed to Anthony M. M. Remedios.
T. 604.688.9337
F. 604.688.5590
www.remediosandcompany.com

**Health Action AIDS, Africa Workshop Organizer (see www.healthactionaids.org for more information)

Key Responsibilities: The Health Action AIDS Africa Workshop Organizer will be supervised directly by the Deputy Director and is responsible for organizing workshops to help mobilize health professionals together with AIDS activists in three African countries over three years in partnership with local groups. The goal of the workshops is to develop a stronger activist network locally in order to address issues such as stigma and discrimination, women's rights, equity in access to prevention, treatment and care, safe health care and support for health professionals and communities coping with the epidemic. PHR will be bringing experts and activists from the United States and various African countries into each country for interaction with local organizations and individuals. In each country PHR will be working with at least one local partner organization.

The Organizer will be responsible for the following tasks, working closely with the PHR Outreach and Research Departments as well as Africa-based health professionals and AIDS activists in the selected countries, starting with Uganda:

1. Identify and communicate with key participants in workshop countries
2. As part of a team, develop the workshop program and detailed plan
3. Serve as key liaison with all participants, providing regular reports and updates
4. Coordinate logistics for planning, implementation and follow-up phases, including visas, travel, facilities, interpreting, preparation of materials, assuring coordination between local groups and PHR; conduct regular planning with on-site logistician in African countries.
5. Track expenditures and ensure that the project remains within budget
6. Assure follow up communication and activities after each workshop

Qualifications:

* Bachelors degree or the equivalent combination of education and experience
* Experience in international training, workshops, conferences,especially in multicultural contexts
* Strong verbal and written communication skills
* Excellent organizational and logistical abilities; detail oriented
* Experience using PC software, including email, Word and database programs
* Creative and energetic self-starter
* Ability and desire to work as a team member
* A strong commitment to human rights and global health issues
* Experience with HIV/AIDS issues a plus
* Position is based in Boston. Travel is ▶

required.

Please send resume, cover letter and a brief writing sample to Barbara Harris, Physicians for Human Rights, 100 Boylston Street, Suite 702,Boston, MA 02116. Application materials may also be sent via e-mail to resumes@phrusa.org or fax (617)695-0307. No calls please.

For more information about the organization please visit their website
www.phrusa.org
and www.healthactionaids.org

** Expert, CIS Division: The expert should have both theoretical knowledge and professional experience that should allow covering the broad range of issues/topics in the area of Judicial Reform and Access to Justice/Legal Aid, and the mix of governmental and non-governmental partners, for the purpose of the planning of the main phase of the Judiciary project of SDC.

Required Expertise:
Education:
- Advanced degree in Law or other related field or Graduate degree with substantial teaching experience;
- Interdisciplinary studies in the fields of Law, Human Rights, Political Science, Sociology and International Development are an advantage;
- Candidates from CIS region holding degrees from Western universities will be given a preference.
Professional experience:
Required experience and skills:
- Work in government or non-government structures, or international organizations, directly involved in the Legal/Judicial Reform and/or Access to Justice/Legal Aid projects, preferably in the context similar to that of Tajikistan (post-Soviet, post-Socialist), at the responsible managerial position or as a back-stopper;
- Minimum of 5 years of above mentioned experience;
- General (project) design and management and organizational development expertise;
- Knowledge of the Soviet/post-Soviet legal systems and Government structures;
- Expertise or at least familiarity of the concept of a Rights Based approach to development.
Additional experience and skills:
- Experience with integration of Gender;
- Multidisciplinary research and publications in the fields of Law, Human Rights, Political Science, Sociology, International Development and Transition;
- Personal professional experience on Tajikistan;
- Knowledge of Russian or Tajik.
Personal/Social skills:
- Strong analytical skills;
- Ability to come up with clear ideas and recommendations for activities and their implementation;
- Strong communication skills. Ability to interact with different individuals, possessing the varying levels of competence, education, political views, communication skills and personal culture/coming from different cultural tradition. Knowledge of Muslim/Central Asian/Tajik traditions an advantage;
- Ability to work in a team, performing a coaching and an advisory role, is required.

Availability: A candidate should be available to assume a responsibility of a Project back-stopper, which would entail traveling to Tajikistan at least once in three months for the period of 2 to 3 weeks, and remote advising by email upon requests from the Programme Manager during the year of 2004, with a possibility of extension to 2005-2007.

Tasks and responsibilities (Terms of Reference)
General task
The Expert shall primarily assume a responsibility of back-stopping the National Programme Manager during the Bridging Phase of the Judiciary projects. The expert shall support the planning process for designing the Main Phase on the basis of the finding and recommendations of the External Review of the Pilot Phase and on the basis of additional study(ies), to be designed and supervised, if necessary, and the implementation of the project activities, continued from the Pilot Phase.
Methodology: The Mandate shall be carried out through a number of visits (at least four) to Tajikistan and personal work with the Project, as well as distance advising and coaching by email. Specific methodologies for separate activities to be to be agreed upon by the Expert, SDC Bern and the SCO.

Duration of the Mandate: Initial duration is 12 months, from 1 January to 31 December 2004.

Timetable of missions: At least 4 (four) missions shall take place. Detailed missions plan to be agreed upon.

Reporting: The Expert shall provide short mission reports after each mission, with recommendations and proposal for the planning of the Main Phase, and the final report.

Observations and recommendations regarding the review of the implementation shall be presented in each mission report, and a separate paper to be put as an addendum to the final report.

Eva Syfrig
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4) BAR APPLICATIONS

**Les formulaires de demande d'admission à l'Ecole du Barreau du Québec seront disponibles à partir du 1e février 2004. IMPORTANT : Vous n'aurez qu'un mois pour préparer votre demande puisque la date butoir sera le 1e mars 2004. La date limite hors délais : 2 avril.

**ALBERTA BAR: The Circular No. 1 is usually sent to placement offices in November. I will keep you posted when it will be available at the CPO.

5) BAR/BRI

Each year, Bar/Bri offers a course to help McGill students prepare for the NY Bar exams as well as the Multistate Professional Responsibility Exam required by the NY State Bar. If you are interested in doing the NY Bar, a table with registration materials and other information will be set up at the atrium every Monday and Wednesday from 11:30 -1:30.

If you have any questions or concerns, please do not hesitate to contact Fatima Ahmad at fatima.ahmad@mail.mcgill.ca

6) IF YOU ARE LOOKING FOR AN ARTICLING POSITION AND ARE IN YOUR LAST YEAR OF STUDIES.- UPDATE #3

.here are a few suggestions:

. Au Québec: l'Ecole du Barreau du Québec a un Bureau de placement et affiche de nombreux postes sur son site intranet. Vous pourrez avoir accès à ces postes : ▶

www.ecoledubarreau.qc.ca/stages/stagiaire.php

. In Ontario: Provided you have registered for the Ontario Bar Admission Course, you have access to career services through the Law Society. You should check the postings on: http://education.lsuc.on.ca.

. QUICKLAW-NAD (National Articling Directory): Quicklaw-NAD affiche les 'ARTICLING SURVEY' remplis par les cabinets/organisations pratiquant surtout le Common Law (avec quelques exceptions - voir plus bas). Vous pouvez les consulter électroniquement. Les cabinets qui ont encore des stages à offrir en 2004-2005 doivent l'indiquer sur ledit formulaire.

A titre d'exemples, les cabinets suivants.et bien d'autres - cherchent toujours des stagiaires pour 2004-2005 :
-McDougall Gauley, Saskatoon, www.mcdougallgauley.com
-Harvey Katz Law Office, Hamilton, ON, www.hjklaw.on.ca
-Davidson & Company, Vernon, www.davidsonlaw.com
-Morelli Chertkow, Kamloops, www.morellichertkow.com
-Bellmore & Moore, Toronto, website under construction (416-581-1818)
-Cawood Walker Demmans Baldwin, North Battleford, SK, www3.sk.sympatico.ca/cawood
-Smart & Biggar, Vancouver, www.smart-biggar.ca
- Smart & Biggar, Montréal, www.smart-biggar.ca (for the 2004-2005articling)
-Evans, Bragagnolo & Sullivan LLP, Timmins, www.ebslawyers.com
-Peterson, Stang & Malakoe, Yellowknife, www.norlaw.nt.ca
-Sierra Legal Defence Fund, Toronto
-Office of the Judge-Advocate General, Ottawa, www.jag.ca
-Jenkins Marzban Logan, Vancouver, www.jml.ca
-McVea, Shook, Wickham & Bishop, Campbell River, www.crlawyers.ca
-Hills Salah LLP, Toronto, www.hillsalah.ca
-BINAVINCE SMITH, Ottawa (no website - 8 lawyer-firm)
-Chown Cairns, St Catharines, www.Chown-Cairns.com

. Nos collègues de Osgoode ont produit un recueil de stages en Common Law (2004-2005) regroupant l'information fournie par Quicklaw-Nad et ayant le mérite d'être facile à consulter. Il est disponible pour consultation au Service de placement.

. Résumé Programme : Vous pouvez me soumettre votre candidature (CV et relevé de notes) et le Service de Placement l'enverra aux petits et moyens cabinets de Montréal et de Toronto. Apportez-moi un CV (et relevés de notes) par ville et identifiez la ville sur un post-it (Montréal et/ou Toronto). Nous nous occuperons du reste! Deadline : Wed., Dec. 4, 2003.

Je vous invite à venir me rencontrer (si ce n'est déjà fait) afin de discuter de votre situation et de stratégie.

7) PUBLIC INTEREST DAY - TORONTO

Osgoode and UofT are organizing a Public Interest Day on Friday, March 12 open to all law students. Location: MAG, 900 Bay St., Macdonald Block. Student will have to register on-line. I will keep you posted on the registration procedure and on the agenda/list of participants in the weeks to come.

8) LEGAL HANDBOOK & INTERNATIONAL HANDBOOK - available at the CPO!

The 6th edition of the Legal Employment Handbook is available at the CPO! Every student is entitled to his or her own copy. It features great testimonials from students and alumni from all over Canada and the U.S. and listings of firms and organizations by city. Free of charge.

Ready to Go? Your Guide to Your Career in International Law, co-published with the UdeM, is also available at the CPO. It features sections on careers at the UN, in international organizations, in NGOs, in private practice, in-house practice and in academia. It also features many testimonials from alumni in different areas of the law. Price: $5.

9) SWAP

The SWAP brochures are available at the CPO: May be useful if you intend to work abroad this summer!

10) CLERKSHIP DEADLINES

Court of Appeal for Ontario, December 12
Court of Appeal of Alberta and the Court of Queen's Bench of Alberta,
Dec. 5 for Edmonton; Nov. 28 for Calgary

[This copy of CPO Newsletter was truncated. You may access the full version at http://www.law.mcgill.ca/cpo/careerlink-en.htm.]■

THE QUID STILL NEEDS YOUR HELP!

We are still looking for someone who would be willing to give Aram a hand with web editing.
Duties: Improves and maintains the Quid web site (www.law.mcgill.ca/quid).
Time commitment: 1-3 hours every other week.
The perfect candidate: Has intermediate knowledge of HTML (if your favourite web editing software is notepad, then you're definitely qualified!) and basic knowledge or willingness to learn what PHP is.

If you would like to join the team, drop us an e-mail at quid.law@mcgill.ca!